

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

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Ex Parte: GAILUS, PAUL  
Application Number: 09/933,364  
Filing Date: August 20, 2001  
Title: A Feedback Loop With Adjustable  
Bandwidth  
  
Group: 2614  
Examiner: LISA HASHEM

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REPLY BRIEF ON BEHALF OF APPELLANTS UNDER 37 CFR 41.41

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Electronic Submittal Date: June 1, 2009

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I. STATUS OF CLAIMS

Claims 3, 10, 19 and 21 have been cancelled. Claims 1, 2, 4-9, 11-18, 20 and 22 remain in the application. Claim 12 is allowed. Claims 1, 2, 4-9, 11, 13-18, 20 and 22 are being appealed. Claims 1, 2, 4-9, 11, 13-18, 20 and 22 stand or fall together.

In a final Office Action dated January 1, 2008, the Examiner rejected: Claims 1, 2, 4-9, 11, 13-18, 20, and 22 under 35 U.S.C. § 103 (a) as being unpatentable over US 5,722,056 (Horowitz) in view of 'Noise Performance of a Cartesian loop Transmitter' (Kenington); and claims 1, 2, 4-9, 11, 13-18, 20 and 22 under 35 U.S.C. § 102 (e) as being anticipated by US 6,859,097 (Chandler). In the Examiner's Answer, the rejection of Claims 1, 2, 4-9, 11, 13-18, 20, and 22 under 35 U.S.C. § 103 (a) as being unpatentable over US 5,722,056 (Horowitz) in view of 'Noise Performance of a Cartesian loop Transmitter' (Kenington) was withdrawn.

II. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- A. Whether Claims 1, 2, 4-9, 11, 13-18, 20, and 22 are patentable under 35 U.S.C. 102(e) over Chandler (US 6,859,097)?

### III. ARGUMENT

A. Claims 1, 2, 4-9, 11, 13-18, 20, and 22 are rejected as being unpatentable under 35 U.S.C. 102(e) over Chandler (US 6,859,097).

Applicant respectfully submits that Chandler does not anticipate, either expressly or inherently, each and every element as set forth in independent claim 1, 13, 20 and 22. For example, independent claims 1, 13, 20 and 22 recite “at least one adjustable zero element [coupled] between the input of the feedback loop and the power amplifier [in the forward path of the feedback loop]” and “adjustable pole” which is not anticipated either expressly or inherently, in Chandler. On page 4, 6, 8, and 9 of the Examiner’s Answer, the at least one adjustable zero element is analogized to  $H_2^{-1}$  and the at least one adjustable pole element is analogized to  $H_1H_2$  of Chandler as described by reference to FIG. 13. Appellant disagrees. First, there is no indication of that the zero or the poles included in the feedback loop of FIG. 13 are “adjustable” as recited in the claims. There is no mention of a circuit for implementing the poles and zeros in FIG. 13 having elements therein that could be used to adjust the pole or the zero. Contrast Appellant’s specification and drawings as filed that illustrate an adjustable zero element 212 shown in FIG. 3 that comprises an adjustable amplifier to adjust the pole (*see, e.g.*, FIG. 3, 5, and 6 and Appellant’s specification at page 7, lines 13-24). Similarly, Appellant’s specification and drawings as filed that illustrate adjustable pole elements shown in FIG. 4 that comprises switchable resistors and switches that are opened and closed to adjust the pole (*see, e.g.*, FIG. 3, 5, and 6 and Appellant’s specification at page 7, line 29 to page 8, line 15. No such “adjustable” pole or zero is described with respect to FIG. 13 of Chandler.

Therefore the rejection of claims 1, 13, 20 and 22 under 35 USC 102(e) should be withdrawn. Appellant requests that claims 1, 13, 20 and 22 may now be passed to allowance.

Dependent claims 2, 4-9, 11 and 14-18 depend from, and include all the limitations of independent claims 1, 13, 20 and 22. Therefore, Applicant respectfully requests reconsideration of dependent claims 2, 4-9, 11 and 14-18 and requests the withdrawal of the rejection of the rejection of these claims. Applicant requests that claims 2, 4-9, 11, and 14-18 may now be passed to allowance.

For the reason set forth above, Applicants submit that the Examiner has incorrectly rejected Claims 1, 2, 4-9, 11, 13-18, 20, and 22 under 35 U.S.C. § 102(e) and request that the Board withdraw the rejections.

Respectfully submitted,

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